

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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ANTHONY MILLER,

Plaintiff,

Index No.

- against -

22-cv-6069

CITY OF ROCHESTER, MARYROSE M. WENGERT
and EARL G. WENGERT, as Co-Executors of
the Estate of Nolan Wengert (deceased),
DARYL HOGG, JASON PRINZI, DANIEL WATSON,
JOHN DOES RPD OFFICERS 1-10, MARYROSE M.
WENGERT and EARL WENGERT,

Defendants.

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(CAPTION CONTINUED ON FOLLOWING PAGE)

Zoom Recorded Videoconference

May 15, 2023

10:04 a.m.

RECORDED VIA ZOOM - EXAMINATION BEFORE
TRIAL of JASON R. PRINZI, Defendant, pursuant
to Article 31 of the Civil Practice Law
and Rules of Testimony, and Order, held at
the above-noted time and place, before
Michelle Conero, a Stenotype Reporter and
Notary Public within and for the State of
New York.

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STATE OF NEW YORK
COURT OF CLAIMS

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ANTHONY MILLER,
Claimant,

Claim No.
1358854

- against -

OAG No.
21-005334-L1

THE STATE OF NEW YORK,
Respondent.

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A P P E A R A N C E S:

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S T I P U L A T I O N S

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IT IS HEREBY STIPULATED AND AGREED

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by and between the parties hereto that all

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rights provided by the F.R.C.P. including the

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right to object to any question except as to

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the form, or to move to strike any testimony

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at this examination, are reserved, and, in

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addition, the failure to object to any

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question or move to strike any testimony at

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this examination shall not be a bar or waiver

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to make such a motion, and is reserved for

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the trial of the action;

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It is further stipulated and

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agreed that this examination may be sworn to

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by the witness being examined before a notary

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public other than the notary public before

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whom this examination was begun;

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It is further stipulated and

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agreed that the filing and certification of

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the original of this examination are waived.

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THE REPORTER:

The attorneys participating in this deposition acknowledge that I am not physically present in the deposition room and that I will be reporting this deposition remotely.

They further acknowledge that, in lieu of an oath administered in person, I will administer the oath remotely.

The parties and their counsel consent to this arrangement and waive any objections to this manner of reporting.

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2 J A S O N R P R I N Z I,

3 Defendant, having first been duly sworn
4 by the Notary Public, was examined and
5 testified as follows:

6 THE REPORTER: If you would state
7 your full name, please.

8 THE WITNESS: Jason R. Prinzi,
9 P-R-I-N-Z-I.

10 THE REPORTER: Do we want to do
11 business address or --

12 THE WITNESS: 1099 Jay Street,
13 Rochester, New York.

14 THE REPORTER: The time I have on
15 the screen is 10:04 a.m.

16 EXAMINATION BY

17 MR. SHIELDS:

18 Q Good morning. My name is Eliot
19 Shields. I represent Anthony Miller who was
20 wrongfully convicted and spent six years in
21 jail before his conviction was reversed, and
22 I'm going to ask you some questions today.

23 MS. CHRISTIE: I'm going to object
24 to the characterization, Eliot. There's
25 been no finding of wrongful conviction.

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2 every one year. It was just when I had a
3 handful of them, I would destroy them.

4 Q So if I wanted to ask you to go
5 look for the notepad for the date of this
6 incident, how would you go about trying to do
7 that?

8 A Right now in my possession I have
9 zero notepads from work.

10 Q Could you reach out to the RPD to
11 see if they have possession of any of your
12 notepads?

13 A They wouldn't have any of my
14 personal property. I cleaned my locker out
15 myself.

16 Q Okay. So you consider the notepads
17 your personal property and not RPD records?

18 A I don't know if I consider them
19 that. They were just my notepads. I don't
20 know.

21 Q So there's no RPD rule that said
22 notes that you take during your shift while
23 you're working as an RPD officer are official
24 RPD records, not your own personal records?

25 A Not that I'm aware of.

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2 Q If you take notes that are
3 pertinent to an investigation, are those
4 required to be copied or turned over as part of
5 the investigation?

6 MR. NAYLON: Object to the form.

7 You can answer.

8 A I don't believe I've ever turned my
9 notes over in any case. I don't know what the
10 rule or the law is on that. I know I've never
11 been asked. If I had, I would certainly turn
12 them over without any problem. I've just never
13 been asked to supply my own personal notes to
14 any cases yet.

15 Q In your entire time working from
16 2008 or '09 until approximately 2017, you never
17 disclosed any of your notes to the prosecutor
18 in any case?

19 A I don't recall ever turning in my
20 notepad or any notes, no. I don't recall ever
21 doing that.

22 MR. SHIELDS: Okay. So I want to
23 turn -- this will be Exhibit -- what are
24 we up to? Or is it 3? This will be 4
25 for this deposition. It's going to just

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2 be the radio calls from this incident.

3 (Whereupon, Plaintiff's Exhibit 4
4 was marked for identification as of this
5 date.)

6 Q I'm going to play them through for
7 about three minutes and then I'll pause it and
8 ask you some questions. Okay?

9 A Okay.

10 Q Sometimes there's a lag if I play
11 audio from my computer, so I'm going to stop
12 talking for a second and then I'm going to hit
13 play, and then after that I'll play it through
14 and ask you some questions.

15 I'm sorry. I didn't start it right
16 at the very beginning. Let me rewind it to the
17 very beginning.

18 (Audio played.)

19 Q I'm going to ask you, did you hear
20 yourself there say 5313?

21 A And I have 5323 with me. I believe
22 that was me.

23 Q Okay.

24 (Audio played.)

25 Q Okay. Did you hear that last part

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2 right there?

3 A Which part? The last statement?

4 The last --

5 Q So the last two statements. So the
6 very last one, it was 5323, so that would have
7 been Hogg. Right?

8 A Correct. Yup.

9 Q He said I'm in that area now?

10 A He's in the area. I don't know the
11 area -- how close he was in the area. He did
12 say he was in the area. I don't know if he's
13 on scene or a block away. I don't know.

14 Q Okay. So immediately before that
15 did you hear yourself make a statement?

16 A I couldn't tell. I was trying to
17 listen. It's hard to listen to that. It's
18 hard to hear. It's not very clear. I couldn't
19 tell. Sometimes it's 5013 or 5313.

20 Q Sure. We listened to it a few
21 times with Officer Hogg, and what he testified
22 to was that that was you speaking. We'll play
23 it again for you. We listened to it a few
24 times with Officer Hogg and he said, you know,
25 what he heard was you say -- you asked for

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2 someone to go to the area of Millbank and
3 Bradburn because it could be one of the C-set
4 kids and it matched the description from
5 earlier.

6 A That just came through? Those
7 words just came through on what I just listened
8 to?

9 Q Correct. So let me rewind that.
10 We're paused at 2 minutes and 25 seconds into
11 the recording. I'm going to rewind it to about
12 2 minutes and 12 seconds, replay it and pause
13 it again and just ask you if you recognize that
14 to be your voice and what you hear. Okay?

15 A Okay.

16 Q I'm rewinding. It's paused at 2:09
17 and then I'm going to hit play.

18 (Audio played.)

19 Q Okay. Were you able to hear --

20 A Yes, but to me that sounds like
21 5213. That doesn't sound like my voice, to the
22 best of my recollection. So, I mean, if you
23 listen to that carefully, I believe it says
24 5213.

25 Q Okay.

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2 A If you look at the job card, it
3 could say 5313. Dispatch could have typed that
4 wrong, too. That doesn't sound like me. I'm
5 pretty sure they said 5213.

6 Q So one of the reasons that I want
7 to go over this carefully with you is because
8 this statement was not captured on the job
9 card. So I guess my question is, you know, did
10 you hear, one, it said something about asking
11 someone to go to the area of Millbank and
12 Bradburn? Did you hear that?

13 A That part I heard.

14 Q Okay. And then did you hear it,
15 after that, say something about C-set kids and
16 a description from earlier?

17 A I couldn't --

18 MS. CHRISTIE: Objection to form.
19 Objection to form, but you may answer.

20 A Okay. I couldn't -- I couldn't get
21 clear what they were saying on that. It just
22 sounded muddled to me.

23 Q Sure. Let's listen to that one
24 more time. I rewound to 2 minutes and 11
25 seconds. I'm going to hit play.

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2 (Audio played.)

3 Q Okay. What did you hear that time,
4 Officer Prinzi?

5 A That time it sounded like 5313.

6 Q Okay. Anything else you were able
7 to hear that time?

8 A What you had said earlier about
9 possibly C-set.

10 Q Okay. So it sounds like basically
11 either you or someone else is calling out to
12 ask for somebody to go over to the Millbank/
13 Bradburn area because there was -- the
14 description sounds like a C-set or something to
15 do with C-set and a description from earlier?
16 Is that --

17 MR. NAYLON: Objection to form, but
18 you may answer.

19 A I don't know if I was calling out
20 for them to go there or just the cars in the
21 area to be on the lookout for C-set or whatnot.

22 Q Okay. We had established that you
23 and Hogg had been over in the Millbank/Bradburn
24 area earlier that day. Correct?

25 A Correct.